

United States District Court  
Southern District of Texas  
FILED

AO 91 (Rev. 11/11) Criminal Complaint

NOV 14 2018

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk of Court

United States of America

v.

FERNANDO MARTINEZ-AGUILAR  
Citizen of MEXICO  
YOB: 1995

Case No.

M-18-2356-M  
(Related: M-18-2360-M)

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 12, 2018 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

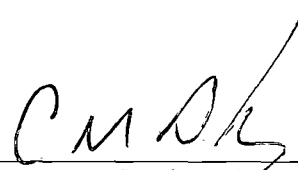
Offense Description

Title 18, U.S.C. 111(a)(1)

Whoever forcibly assaults, resists, opposes, impedes, intimidates, or  
interferes with any person designated in Section 1114 of Title 18 while  
engaged in or on account of the performance of official duties

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Christopher M. Dishong, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/14/2018City and state: McAllen, Texas

Judge's signature

J. Scott Hacker, United States Magistrate Judge

Printed name and title

## **Attachment "A"**

### **Affidavit**

I, Christopher M. Dishong, being first duly sworn, state as follows:

1. I, Christopher M. Dishong, am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) in McAllen, Texas, and have been so employed since June, 2016. I am currently assigned to the Rio Grande Valley Violent Crime Task Force in McAllen, Texas.

2. The information contained in this affidavit is based on my personal knowledge and on information provided to me by other agents of the FBI, law enforcement officers, and other sources of information. This affidavit serves to provide the probable cause in support of a complaint against Fernando Martinez-Aguilar for violating Title 18, U.S.C., Section 111 (a)(1), Assaulting a Federal Officer.

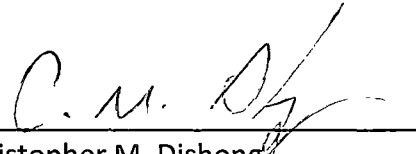
3. On November 12, 2018 at approximately 7:30 p.m., in accordance with his official duties as a Border Patrol Agent (BPA), BPA T.L. was conducting foot surveillance as part of an interdiction unit in an area known as "Rincon" in Mission, Texas where he located a raft containing 8-10 suspected undocumented aliens crossing the Rio Grande River into the United States. BPA T.L. grabbed the raft in an attempt to assist the occupants to safety. One individual, later identified as Fernando Martinez-Aguilar (hereinafter referred to as "MARTINEZ-AGUILAR"), was located swimming in the river toward the raft. BPA J.S., an assisting Border Patrol Agent, verbally identified himself and BPA T.L. as Border Patrol Agents. BPA T.L. attempted to detain MARTINEZ-AGUILAR as he approached, however MARTINEZ-AGUILAR began pulling BPA T.L. deeper into the river. During the attempt to detain MARTINEZ-AGUILAR, BPA T.L. lost his footing and MARTINEZ-AGUILAR pulled the Agent by his arm under water. BPA T.L. regained control of MARTINEZ-AGUILAR and began moving him toward the bank of the river. As they approached the river bank, MARTINEZ-AGUILAR continued resisting and BPA T.L. was pulled into the water a second time. BPA J.S. then approached MARTINEZ-AGUILAR and assisted in moving MARTINEZ-AGUILAR onto the river bank. MARTINEZ-AGUILAR continued to resist apprehension and a third Border Patrol Agent, BPA R.M., arrived to the scene and MARTINEZ-AGUILAR was successfully detained.

4. As a result of inhaling water while submersed, BPA T.L. was taken to the Rio Grande Regional Hospital for a medical examination following the apprehension of MARTINEZ-AGUILAR.

5. BPA T.L. is a Border Patrol Agent, an officer and employee of the United States, namely a person designated in section 1114 of Title 18.

6. Subsequent to the apprehension of MARTINEZ-AGUILAR, it was determined that MARTINEZ-AGUILAR was a citizen of Mexico, and was illegally present in the United States.

7. Based on the aforementioned factual information, your Affiant respectively submits that MARTINEZ-AGUILAR committed violations of Title 18, United States Code, Section 111 (a)(1), Assaulting a Federal Officer.



Christopher M. Dishong  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this 14<sup>th</sup> day of November, 2018.



J. Scott Hacker  
United States Magistrate Judge